

ATTORNEY DOCKET NUMBER  
0740360108

PATENT  
09/746,822

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mohammed N. Islam et al.  
Serial No.: 09/746,822  
Filed: December 22, 2000  
Group No.: 2633  
Examiner: Hanh Phan  
For: APPARATUS AND METHOD FOR OPTICAL ADD/DROP  
MULTIPLEXING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION (37 C.F.R. §1.321 (c)) AND  
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)**

I, Mohammed N. Islam, Founder and CTO of Cheetah Omni, LLC, 647 Spring Valley Drive, Barton Hills Village, Ann Arbor, Michigan 48105, represent that Cheetah Omni, LLC is the assignee and the exclusive owner of the entire right, title and interest of, in and to application Serial No. 09/746,822, filed on December 22, 2000, for APPARATUS AND METHOD FOR OPTICAL ADD/DROP MULTIPLEXING, as indicated by the Assignment Records of the U.S. Patent and Trademark Office as follows:

From: Mohammed N. Islam and Amos Kuditcher  
To: Celeste Optics, Inc.  
Assignment recorded October 19, 2001 at Reel 012278, Frame 0708;

From: Celeste Optics Inc.  
To: Cheetah Optics, Inc.  
Assignment recorded September 4, 2002 at Reel 013252, Frame 0854;

03/08/2005 MAHMED1 00000029 09746822

01.FC:2814

65.00 DP

From: Cheetah Optics, Inc.  
To: Cheetah Omni, LLC  
Assignment recorded June 26, 2003 at Reel 014207, Frame 0100;

and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Cheetah Omni, LLC hereby disclaims the terminal part of any patent granted on the above-identified application, that would extend beyond the expiration date of U.S. Patent No. 6,493,488 granted December 10, 2002; also assigned to and owned by said Cheetah Omni, LLC, as indicated by the Assignment Records of the U.S. Patent and Trademark Office as follows:

From: Mohammed N. Islam and Amos Kuditcher  
To: Celeste Optics, Inc.  
Assignment recorded March 14, 2001 at Reel 012000, Frame 0235;

From: Celeste Optics Inc.  
To: Cheetah Optics, Inc.  
Assignment recorded September 4, 2002 at Reel 013251, Frame 0007;

From: Cheetah Optics, Inc.  
To: Cheetah Omni, LLC  
Assignment recorded September 18, 2002 at Reel 013636, Frame 0836;

and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U. S. Patent No. 6,493,488, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Petitioner, however, does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the above-referenced U. S. Patent No. 6,493,488, in the event that one or more of the following occurs:

ATTORNEY DOCKET NUMBER  
074036.0108

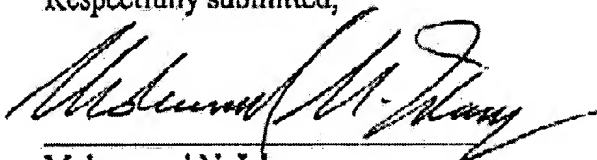
PATENT  
09/746,822

3

U. S. Patent No. 6,493,488 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The \$65.00 fee required by 37 C.F.R. 1.20(d) is submitted herewith and believed to be correct. However, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,



Mohammed N. Islam

1/21/05

Date

BEST AVAILABLE COPY

BEST AVAILABLE COPY